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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,280	01/22/2004	James David Clark	00169.100676.	3176
5514 7590 01/20/2010 FITZPATRICK CELLA HARPER & SCINTO 1290 Avenue of the Americas NEW YORK NY 10104 3800			EXAMINER	
			BHATNAGAR, ANAND P	
NEW YORK, NY 10104-3800			ART UNIT	PAPER NUMBER
			2624	
			MAIL DATE	DELIVERY MODE
			01/20/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)	
	10/761,280	CLARK, JAMES DAVID	
Office Action Summary	Examiner	Art Unit	
	ANAND BHATNAGAR	2624	
The MAILING DATE of this communication appeariod for Reply	ppears on the cover sheet with	the correspondence address	
A SHORTENED STATUTORY PERIOD FOR REP WHICHEVER IS LONGER, FROM THE MAILING - Extensions of time may be available under the provisions of 37 CFR 1 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory perio - Failure to reply within the set or extended period for reply will, by statu. Any reply received by the Office later than three months after the mail earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNICA 1.136(a). In no event, however, may a rep d will apply and will expire SIX (6) MONTI- ute, cause the application to become ABAI	ATION. ly be timely filed IS from the mailing date of this communication. NDONED (35 U.S.C. § 133).	
Status			
1) Responsive to communication(s) filed on 11 2a) This action is FINAL. 2b) Th 3) Since this application is in condition for allow closed in accordance with the practice under	nis action is non-final. vance except for formal matter	-	
Disposition of Claims			
4) ☐ Claim(s) 1,2 and 5-18 is/are pending in the a 4a) Of the above claim(s) is/are withdr 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) 1,2, and 5-18 are subject to restricti	rawn from consideration.	nt.	
Application Papers			
9) The specification is objected to by the Examir 10) The drawing(s) filed on is/are: a) acceptable and applicant may not request that any objection to the Replacement drawing sheet(s) including the correctable and the specific and the sp	ccepted or b) objected to by e drawing(s) be held in abeyance ection is required if the drawing(s)	e. See 37 CFR 1.85(a). is objected to. See 37 CFR 1.121(d).	
Priority under 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority application from the International Bure * See the attached detailed Office action for a list	nts have been received. nts have been received in Appiority documents have been re au (PCT Rule 17.2(a)).	olication No eceived in this National Stage	
Attachment(s) 1) \[\sum \text{Notice of References Cited (PTO-892)} \]	4) ∏ Interview Sur	mmary (PTO-413)	
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	Paper No(s)/l	Mail Date rmal Patent Application	

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DETAILED ACTION

Election/Restrictions

 This application contains claims directed to the following patentably distinct species.

Species 1: Corresponding to claims 1, 2, 5-9, 12, 15, and 18.

Species 1: Corresponding to claims 10, 13, and 16.

Species 1: Corresponding to claims 11, 14, and 17.

The species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species. In addition, these species are not obvious variants of each other based on the current record.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

There is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics. The species require a different field of search (e.g., searching different classes/subclasses or electronic resources, or employing different search queries); and/or the prior art applicable to one species would not likely be applicable to another species; and/or the species are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species to be examined even though the

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requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

The election of the species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the election of species requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected species.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the species unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other species.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

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2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANAND BHATNAGAR whose telephone number is (571)272-7416. The examiner can normally be reached on M-Th 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 571-272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anand Bhatnagar/ Primary Examiner, Art Unit 2624 January 17, 2010